

**CITY OF BRIGHTON**  
**PLANNING COMMISSION**  
**MINUTES**  
February 9, 2016  
**Approved as corrected**

**I. CALL TO ORDER**

Acting Chairman Jalil called the meeting to order at 6:13 PM

**II. ROLL CALL**

Roll call was taken with the following Commissioners in attendance: Farid Jalil

Commissioners Dick Hodge, Matt Johnson, Fidel Balderas and Archie Demarest were excused from attendance.

Alternates Chris Maslanik and Philip Covarrubius were present.

Alternates Chris Maslanik and Philip Covarrubius were seated as voting members.

Commissioner Farid Jalil was seated as Acting Chairman for the meeting.

**III. MINUTES OF PREVIOUS MEETINGS**

Minutes from the January 26, 2016 Planning Commission meeting were approved as presented.

**Motion by Commissioner Maslanik**

**Second by Commissioner Covarrubias**

**Voting Aye: 3 Commissioners Jalil, Maslanik, Covarrubias**

**Voting Nay: 0**

**Motion passes 3-0**

**IV. PUBLIC INVITED TO BE HEARD ON TIEMS NOT ON THE AGENDA**

Cathy Sexton notified the Planning Commission to Diane Phin's hospital stay and asked if the Planning Commission would like to send flowers and a card to her. Acting Chairman Farid Jalil approved the idea.

**V. PUBLIC HEARING ITEMS**

1. Brighton Lakes PUD – Vested Property Rights Extension  
Cathy Sexton presenting

**Chair invited Staff to present, summarized:**

Ms. Sexton entered the staff report into public record and discussed the item as outlined in the staff report. Ms. Sexton provided that Staff finds that the application for the site specific development plan vested property rights is in general conformance with the

intention provided in the land use development code except the extended vesting. Staff supports extending the vesting for a period of 3 years since the comprehensive plan is currently being revised and the district plan should also be completed in this time.

**Chair called for questions from Commission to Staff, summarized:**

- Commission asked if this was approved would it be the last time this comes before the Commission in regards to extension of vested rights. Ms. Sexton stated that the applicant could come back at a future time and request another extension. Commission then continued by asking if they could request a different extension period. Ms. Sexton replied that Staff recommends a 3 year period as they have found longer periods of extension tie the hands of future City Councils.
- Commission asked for clarification on how long of an extension was being requested. Ms. Sexton explained that the applicant is requesting a 5 years extension while Staff is supporting and recommending approval of a 3 year extension.
- Commission asked if this PUD was in compliance with the comprehensive plan. Ms. Sexton explained that the PUD does fit with the comprehensive plan at this time. She also stated that the comprehensive plan and district plan are still in draft form. Commission followed up with asking Staff how long they feel until those plans are in place. Ms. Sexton said that the latest estimates put the comprehensive and district plans being approved around April of 2016, this year. Commission then asked if they would be approving this extension before the comprehensive and district plans have been finalized. Ms. Sexton replied that that statement was correct.
- Commission asked if there is a ceiling on the amount of times that an applicant can request extended vesting. Ms. Sexton said that currently there is no limit on the number of times an applicant can request extensions. Commission continued by asking if there was any problem with a 3 year extension considering the comprehensive plan could be finalized within the next few months. Ms. Sexton explained that the City could not rezone or negatively impact what has already been approved in the next 3 years.
- Commission asked if the comprehensive plan, in draft form and at this time, has anything contradictory to what the Bromley Lakes PUD is proposing. Ms. Sexton explained that at this time the comprehensive plan supports this development. Commission then asked what changes, if any, are in the comprehensive plan that could be possible conflicts for this development. Neither the commission nor staff saw any conflicts at this time.
- Commission asked if Staff was still comfortable with this development and if they felt that Bromley Lakes would still be viable 3 years down the road. Staff is supportive of this plan and felt that the local district plan may actually open up additional opportunities for this development.

**Chair called for the Applicant to address Commission, summarized:**

Mick Richardson, 200 West Hampton, Suite 201, Englewood CO. Mr. Richardson provided his history regarding development in the City of Brighton. Explains that he did not begin development on Brighton Lakes due to the market. Mr. Richardson has also been working with an architect to preserve and rehabilitate an old farm, the "Onion Shed", on the Brighton Lakes property. Mr. Richardson indicates his team has been involved with most to all of the meetings regarding the comprehensive plan and local district plan. He has concerns about whether he will be able to execute his current development plan with how the current draft of the comprehensive plan reads. Mr. Richardson believes that now is not the right time to begin development of the Brighton Lakes.

**Chair called for questions from Commission to Staff, summarized:**

- Commission would like to know if the Applicant would be willing to adjust their plans to work with the comprehensive plan. Applicant said they do not believe it would be a problem but at the moment they don't know what changes will be finalized within the comprehensive plan.
- Commission asked if Staff would be able to notify the Applicant and have the Applicant involved in the comprehensive and local district plan public hearings. Staff responded that they should be able to do this.

**Motion to bring forward a resolution of the Planning Commission of the City of Brighton recommending to the City Council approval of the application for Vested Property Rights with the following conditions:**

1. Extension of vesting for a period of 3 years.

**Motion by Commissioner Maslanik**

**Second by Commissioner Covarrubias**

**Voting Aye: All Present**

**VI. OLD BUSINESS**

1. Election of Chair and Vice-Chair will be continued until the full Commission is in attendance.
2. Mr. Ernst suggested that the Safe Development Practices doesn't need to ride along on each agenda. Mr. Ernst believes that the plan for the commissioners to make a list of observations and questions associated with specific areas of development. Mr. Ernst's staff can provide history and background on why a certain condition exists.

**VII. NEW BUSINESS**

1. Memorandum on Join Study Session with City Council.
  - a. Acting Chair Jalil encourages all Commission members to attend. The Study Session will be discussion on the draft of the Comprehensive Plan.

## **VIII. REPORTS**

1. Comprehensive and Local District Plan Handouts
  - a. Ms. Sexton provided copies of the local district and comprehensive plan so that the Commission may review the documents before the joint study session. Commission asked if they would be having individual meetings with Ms. Tibbs regarding the plans. Ms. Sexton indicated that this is correct.

## **IX. ADJORNMENT**

**Motion to adjourn at 6:53 p.m.**

**Motion by Commissioner Maslanik**

**Second by Commissioner Covarrubias**

**Voting Aye: All Present**